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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

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ANTHONY SIMS,

Plaintiff,

v.

CITY OF SEATTLE, a municipal
corporation, and ROBERT BROWN,
GREGORY NASH, GARRETT
FOLLETTE, and BRADLEY
RICHARDSON, Officers of the Seattle
Police Department,

Defendants.

CASE NO. 2:22-cv-00483-TL

ORDER

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This matter is before the Court *sua sponte*. A jury trial in this matter is currently

scheduled to begin on April 15, 2024, and motions *in limine* are due March 11, 2024. *See* Dkt.

No. 71. There is also a pending appeal by Defendants currently under review by the Ninth

Circuit. *See* Dkt. No. 63.

On January 21, 2024, the Court was notified that Defendants' appeal is scheduled for oral

argument on April 5, 2024. It is thus now apparent that the appeal will not be resolved before the

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trial date. While the Court currently retains jurisdiction over Plaintiff's *Monell* claim, the appeal

may affect the scope of issues for the trial. As Defendants have explained, to thus proceed with

trial before the appeal is resolved risks inconsistent rulings or the need for multiple trials. *See*

Dkt. No. 72. Indeed, Plaintiff opposed a bifurcation of the issues at the outset of this case. *See*

Dkt. No. 17 at 3, 5. The Court now finds that a stay is appropriate until Defendants' appeal is

resolved in order to conserve judicial resources and avoid inconsistent outcomes.

Accordingly, it is hereby ORDERED:

(1)   This matter is STAYED pending the outcome of Defendants' appeal.

(2)   The trial date and all pretrial deadlines are STRICKEN.

(3)   Defendants' Motion *in Limine* to Exclude Expert Testimony of Russ Hicks (Dkt.

No. 44) is STRICKEN with leave to refile.

(4)   The Parties SHALL submit a joint status report, including a proposed trial schedule,

within fourteen (14) days of a ruling on the appeal.

Dated this 23rd day of January 2024.

Tana Lin
United States District Judge